

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re patent application of

Tarou KANEKO

Serial No.: 09/987,459

Group Art Unit: 2874

Filed: November 14, 2001

Examiner: Wong, Eric K.

For: ARRAYED WAVEGUIDE GRADING WITH OPTICAL INPUT AND
OUTPUT CHARACTERISTICS SETTABLE TO DESIRED VALUES

Honorable Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO FIRST OFFICE ACTION AND
RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENT

Sir:

In response to the Office Action dated March 21, 2003, please consider the following:

REMARKS

In response to the Examiner's Restriction Requirement, Applicant hereby elects the invention of Group I (e.g., drawn to a waveguide device as defined by claims 1-16 and 29-42), without traverse. Applicant reserves the opportunity to file a Divisional Application for the non-elected inventions later.

In response to the Examiner's Election of Species Requirement, Applicant hereby elects the species of Species 1 (Figure 3) on which at least claims 1-8, 10, 12, 14, 16, 29-34, 36, 38, 40, and 42 are readable, without traverse. Claim 31 is believed generic to all species. Applicant reserves the opportunity to file a Divisional Application for the non-elected species later.

Applicant respectfully requests acknowledgment of the priority document filed on
January 10, 2002.

#5 election
11/15/03
24613
RECEIVED
MAY 22 2003
U.S. PATENT AND TRADEMARK OFFICE

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



Sean M. McGinn
Reg. No. 34,386

Date: 4/21/13

McGinn & Gibb, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254